

RESOLUTION NO. 2003 – 183

AUTHORIZING THE GENERAL MANAGER/ SECRETARY TREASURER TO EXECUTE AN EASEMENT DEED AND TO ENTER INTO A TEMPORARY CONSTRUCTION EASEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION THE BUCKEYE/WOODHILL STREET BRIDGE FOR A TOTAL OF NINE THOUSAND TWO HUNDRED DOLLARS (\$9,200.00).

WHEREAS, The Ohio Department of Transportation (ODOT) is reconstructing the Buckeye/Woodhill bridge structure that crosses overhead the Authority's tracks known as ODOT Project Number CUY-87-4.24. This bridge spans RTA's tracks and is adjacent to the Woodhill Rapid Transit Station ; and

WHEREAS, The design of CUY-87-4.24 requires the permanent conveyance of 627 square feet of the Authority's land and the temporary construction easement for 1,045 square feet for a two-year period; and

WHEREAS, ODOT under Section 5531.03 of the Federal-Aid Highway Act of 1956, will provide funding for the construction costs of the CUY-87-4.24 project; and

WHEREAS, The Authority shall be reimbursed by ODOT Nine Thousand Two Hundred dollars(\$9,200.00) representing the fair market value of the Authority's land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the bridge structure that crosses overhead the Authority's tracks near the Authority's Woodhill Rapid Transit Station known as Bridge No. CUY-87-4.24 is being reconstructed by ODOT.

Section 2. That ODOT, under Section 5531.03 of the Federal-Aid Highway Act of 1956, will provide funding for the construction costs of the CUY-87-4.24.

Section 3. That the Authority will convey a permanent property right to 627 square feet of land and also enter into a Temporary Easement agreement for 1,045 square feet of land for a 2-year period with the ODOT. The disposition of these lands do not impact the facilities nor the ability of RTA to provide transit services.

Section 4. That the Authority shall be reimbursed by ODOT for the property rights of the Authority's land in the amount of \$9,200.00. This amount is composed of \$7,999.00 for the permanent right and \$1,201.00 for the Temporary Easement representing the Fair Market Value as determined by ODOT. These funds will be payable to the General fund.

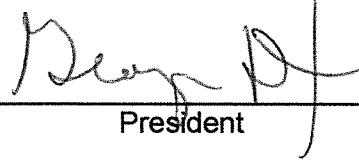
Section 5. That said contract is subject to the satisfaction of all statutes, regulations, rules and orders obligatory on the Greater Cleveland Regional Transit Authority for the transaction contemplated hereby.

Section 6. That the General Manager/ Secretary-Treasurer be and he is hereby authorized to execute all documents and to take all actions necessary for the consummation of the agreement contemplated hereby.

Section 7. That this resolution shall become effective immediately upon its adoption.

Attachments: Easement Deed and Temporary Right-of-Way Easement

Adopted December 16, 2003



President

Attest:



CEO, General Manager/Secretary-Treasurer

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS THAT: THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, the Grantor(s) herein, in consideration of the sum of \$7,999.00, to be paid by the State of Ohio, Department of Transportation, does hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

PARCEL(S): 11-SH

CUY-87-4.24
(County-Route-Section)

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Prior Instrument Reference: **See Exhibit "A"**

And the said Grantor(s), for itself successors and its successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that is is the true and lawful owner(s) of said premises, and is lawfully seized of the same in fee simple, and has / have good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

IN WITNESS WHEREOF, GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY has caused its name to be subscribed by _____, its duly authorized agent, on the ____ day of _____, _____.

Witness:

By:
Joseph A. Calabrese, CEO, GM
Secretary/Treasurer

Sheryl King Benford, Counsel
As the Legal Form and Correctness

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the ____ day of _____, 2003
____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Joseph A. Calabrese, CEO, GM, Secretary/Treasurer, who acknowledged being the duly authorized agent of Greater Cleveland Regional Transit Authority, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My Commission expires: _____

This instrument was prepared by or on behalf of the State of Ohio, Department of Transportation

Exhibit 'A'
PID 10787
CUY-87-4.24
PARCEL 11-SH

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot 425, and being lands conveyed to the Greater Cleveland Regional Transit Authority by deed Volume 14450 - Page 680 of the Cuyahoga County Recorder's Office, further bounded and described as follows:

Being a parcel of land lying on the right side and the left side of the centerline of right of way of CUY-87-4.24 made by the Ohio Department of Transportation as recorded in Plat Book ____ Page ____ of the records of Cuyahoga County and being located within the following described points in the boundary thereof:

BEGINNING at an angle point in the centerline of Woodhill Road (80 feet), said point found as a drill hole in a stone set in a monument box in good condition and being at Woodhill Road Station 14+99.71 and Shaker Boulevard 1+87.32 as shown in the plan of CUY-87-4.24, thence along said centerline of Shaker Boulevard North 78 Degrees 44 Minutes 08 Seconds East a distance of 144.61 feet to a point said point being Station 3+31.93 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described;

Thence South 11 Degrees 15 Minutes 52 Seconds East a distance of 39.84 feet to a point;

Thence on a curve deflecting to the right North 77 Degrees 01 Minutes 56 Seconds West (having a radius of 127.44 feet and chord of a 34.90 feet) a distance of 35.01 feet to a point of compound curvature;

Thence on a curve deflecting to the right North 11 Degrees 15 Minutes 52 Seconds West (having a radius of 30.00 feet and chord of a 51.02 feet) a distance of 61.00 feet to a point of compound curvature in the southerly sideline of westbound Shaker Boulevard;

Thence on a curve deflecting to the right North 54 Degrees 29 Minutes 55 Seconds East (having a radius of 127.44 feet and chord of a 34.90 feet) a distance of 35.01 feet to a point;

Thence South 11 Degrees 15 Minutes 52 Seconds East a distance of 39.84 feet to a point at Station 3+31.93 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described, and containing an area of 0.061 acres more or less and subject to all legal highways.

The above described parcel is Auditor's Parcel Numbers 128-05-011.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey Monuments OM 195, OM 187, OM 987, and OM 1122 are to be used to denote angles only. All iron pins set are 19mm x 760mm (3/4 inch x 30 inch) iron rebar with identification cap marked "Thomas M. Coffman - O.D.O.T. R/W- P.S. 6857".

The stationing is as shown on the centerline plat of the right of way plans for CUY-87-4.24 recorded in plat Volume ____, Page ____ of the Cuyahoga County Records.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of State Route 87 made by Ralph C. Tyler Company for the State of Ohio in 2001 under the Supervision of Thomas M. Coffman, Registered Surveyor No. 6857.

Grantor claims title by instrument(s) of record in Volume 14450 - Page 697 in the Cuyahoga County Recorders Office.

TEMPORARY RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, the Grantor(s) herein, in consideration of the sum of \$1,201.00, to be paid by the State of Ohio, Department of Transportation, does hereby grant, bargain, sell, convey and release to the State of Ohio for the use and benefit of the Department of Transportation, the Grantee herein, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit "A" the following described real estate:

PARCEL(S): 11-T

CUY-87-4.24

(County-Route-Section)

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Prior Instrument Reference: **See Exhibit "A"**

To have and to hold said temporary easement, for the aforesaid purposes and for the period of time described below, unto the Grantee, its successors and assigns forever.

The duration of the temporary easement herein granted to the Grantee is expected to be twenty-four (24) months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors; provided however, because the progress of construction on any highway project is unpredictable, it is possible that Grantee will require additional time within which to complete the work to be performed on this temporary easement area.

IN WITNESS WHEREOF, GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY has caused its name to be subscribed by _____, its duly authorized agent, on the ____ day of _____, _____.

Witness:

By: _____
Joseph A. Calabrese, CEO, GM
Secretary/Treasurer

Sheryl King Benford, Counsel
As the Legal Form and Correctness

STATE OF OHIO, COUNTY OF CUYAHOGA ss:

BE IT REMEMBERED, that on the ____ day of _____, 2003 _____, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Joseph A. Calabrese, CEO, GM, Secretary/Treasurer, who acknowledged being the duly authorized agent of Greater Cleveland Regional Transit Authority, who signed or acknowledged the signing of the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

NOTARY PUBLIC
My Commission expires: _____

This instrument was prepared by or on behalf of the State of Ohio, Department of Transportation

Exhibit 'A'
PID 10787
CUY-87-4.24
PARCEL 11-T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot 425, and being lands conveyed to the Greater Cleveland Regional Transit Authority by deed Volume 14450 - Page 680 of the Cuyahoga County Recorder's Office, further bounded and described as follows:

Being a parcel of land lying on the right side and the left side of the centerline of right of way of CUY-87-4.24 made by the Ohio Department of Transportation as recorded in Plat Book ____ Page ____ of the records of Cuyahoga County and being located within the following described points in the boundary thereof:

BEGINNING at an angle point in the centerline of Woodhill Road (80 feet), said point found as a drill hole in a stone set in a monument box in good condition and being at Woodhill Road Station 14+99.71 and Shaker Boulevard 1+87.32 as shown in the plan of CUY-87-4.24, thence along said centerline of Shaker Boulevard North 78 Degrees 44 Minutes 08 Seconds East a distance of 144.62 feet to a point said point being Station 3+31.93 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described;

Thence North 11 Degrees 15 Minutes 52 Seconds West a distance of 39.84 feet to a point;

Thence on a curve deflecting to the right North 70 Degrees 33 Minutes 17 Seconds East (having a radius of 127.44 feet and chord of a 36.27 feet) a distance of 36.39 feet to a point;

Thence North 78 Degrees 44 Minutes 08 Seconds East a distance of 16.10 feet to a point;

Thence South 11 Degrees 15 Minutes 52 Seconds East a distance of 5.00 feet to a point;

Thence South 78 Degrees 44 Minutes 08 Seconds West a distance of 37.00 feet to a point;

Thence South 11 Degrees 15 Minutes 52 Seconds East a distance of 80.00 feet to a point;

Thence North 78 Degrees 44 Minutes 08 Seconds East a distance of 114.98 feet to a point;

Thence South 11 Degrees 15 Minutes 52 Seconds East a distance of 5.00 feet to a point;

Thence South 78 Degrees 44 Minutes 08 Seconds West a distance of 94.08 feet to a point;

Thence on a curve deflecting to the right South 86 Degrees 55 Minutes 17 Seconds West (having a radius of 127.44 feet and chord of 36.27 feet) a distance of 36.29 feet to a point;

Thence North 11 Degrees 15 Minutes 52 Seconds West a distance of 39.84 feet to a point in the centerline at station 3+31.93 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described, and containing an area of 0.046 acres more or less and subject to all legal highways.

The above described parcel is Auditor's Parcel Numbers 128-05-011.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey Monuments OM 195, OM 187, OM 987, and OM 1122 are to be used to denote angles only. All iron pins set are 19mm x 760mm (3/4 inch x 30 inch) iron rebar with identification cap marked "Thomas M. Coffman - O.D.O.T. R/W- P.S. 6857".

The stationing is as shown on the centerline plat of the right of way plans for CUY-87-4.24 recorded in plat Volume ____, Page ____ of the Cuyahoga County Records.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of State Route 87 made by Ralph C. Tyler Company for the State of Ohio in 2001 under the Supervision of Thomas M. Coffman, Registered Surveyor No. 6857.

Grantor claims title by instrument(s) of record in Volume 14450 - Page 680 in the Cuyahoga County Recorders Office.



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

H-11

TITLE/DESCRIPTION: AUTHORIZING THE GENERAL MANAGER/ SECRETARY-TREASURER TO EXECUTE AN EASEMENT DEED AND TO ENTER INTO A TEMPORARY CONSTRUCTION EASEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF THE BUCKEYEWOODHILL BRIDGE FOR A TOTAL OF NINE THOUSAND TWO HUNDRED DOLLARS (\$9,200.00).	Resolution No.: 2003-183
	Date: December 11, 2003
	Initiator: Engineering & Project Management
ACTION REQUEST: xx Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution authorizes the General Manager/Secretary-Treasurer to enter into an Easement Deed with the Ohio Department of Transportation (ODOT) for the highway purpose of reconstructing the Bridge No. CUY-87-4.24 project. This bridge carries Buckeye and Woodhill Roads over RTA's tracks. The Deed conveys a permanent property right to 697 square feet. The Easement Agreement provides a temporary taking (construction easement) of 1,045 square feet for a two-year term. Both of the parcels have been valued according to ODOT's process in compliance with the Uniform Act.

- 2.0 **DESCRIPTION/JUSTIFICATION:** ODOT has a project to reconstruct the Buckeye/Woodhill Street Bridge known as CUY 87-4.24. To complete construction of this structure it requires a small piece of the Authority's land on a permanent and temporary basis to construct the bridge. ODOT has followed all Federal and State Regulations in the acquisition process. The reconstruction of the Buckeye/Woodhill Street Bridge will benefit the community it serves and enhance the transportation system in the area. The replacement of this bridge will also enhance the Authorities nearby Woodhill Station. The conveyance of these rights does not diminish RTA's facilities or its ability to provide transportation services.

- 3.0 **PROCUREMENT BACKGROUND:** Not Applicable

- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Not Applicable

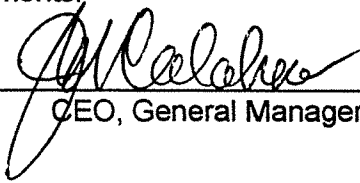
- 5.0 **POLICY IMPACT:** This is in compliance with the Board of Trustees' Real Estate Policy passed on May 21, 2002 under Resolution No. 2002-98. Board action is required because the Easement Deed involves the granting of a permanent property right and the Temporary Easement exceeds a twelve (12) month period as specified in the Real Estate policy.

- 6.0 **ECONOMIC IMPACT:** ODOT under Section 5531.03 of the Federal-Aid Highway Act of 1956 will provide funding for the construction costs of the Bridge No. CUY-87.4.24 Street Bridge Project. The Authority will be paid \$7,999.00 for the permanent conveyance of 627 square feet and an additional \$1,201.00 for a 1,045 square foot temporary easement. These numbers were determined by an ODOT appraisal and represent the fair market value of the property rights.

- 7.0 **ALTERNATIVES:** Do not approve the Easement Deed and Temporary Easement agreement. ODOT does have the right to take these rights through the use of Eminent Domain.

- 8.0 RECOMMENDATION: Approve the Easement Deed and Temporary Construction Easement agreement with ODOT to construct the Buckeye/Woodhill Street Bridge for highway purposes and the betterment the community.
- 9.0 ATTACHMENTS: None

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer